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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MSW MEDIA, INC. and FIRST AMENDMENT COALITION,

**Plaintiffs,**

V.

**U.S. DOGE SERVICE and OFFICE OF  
MANAGEMENT AND BUDGET,**

## Defendants.

Case No. 3:25-cv-02881-AMO

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION TO DISMISS OR  
TRANSFER FIRST AMENDED COMPLAINT,  
OR, IN THE ALTERNATIVE, GRANTING  
MOTION TO STAY**

## The Honorable Araceli Martínez-Olguín

MOTION TO TRANSFER OR DISMISS FAC, AND IN THE ALTERNATIVE, MOTION TO STAY; MEMORANDUM  
OF POINTS AND AUTHORITIES  
No. 3:25-cv-02881-AMO

1       This matter came on regularly for hearing on August 7, 2025, with the Honorable Araceli  
2 Martínez-Olguín presiding. The Court has received and considered Defendants' Notice of Motion and  
3 Motion to Dismiss or Transfer Plaintiffs' First Amended Complaint, or in the Alternative, Motion to  
4 Stay; all responses and replies to the Motions, and all other appropriate and related documents and oral  
5 argument thereon.

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7       IT IS HEREBY ORDERED THAT:

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- 10      1. Defendants' Motion to Dismiss or Transfer is granted.  
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12      2. Under 5 U.S.C. § 552(a)(4)(B), venue for this action as plead is improper in the Northern  
13           District of California because venue does not lie the Northern District as to each claim and  
14           each party.  
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16      3. This action is hereby transferred pursuant to 28 U.S.C § 1404(a) to the District of the District  
17           of Columbia, as that district is the only forum that can remedy the venue deficiencies in  
18           Plaintiffs' First Amended Complaint. Because that district is the "all-purpose," "universal  
19           venue for FOIA lawsuits," *In re Scott*, 709 F.2d 717, 720 (D.C. Cir. 1983); *Sierra Club v.*  
20           *TVA*, 905 F. Supp. 2d 356, 359 (D.D.C. Nov. 29, 2012) (quoting Dep't of Justice, Guide to  
21           the Freedom of Information Act § 3-17.100B (2012)), that district can consider the FOIA  
22           claims of all Plaintiffs in this action.  
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24      4. The Court need not consider the merits of Plaintiffs' allegations, and instead transfers the  
25           case to the District of the District of Columbia for further proceedings there.

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27       [*In the alternative*]

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- 30      1. For reasons of judicial economy and legal consistency, Defendants' Motion to Stay is granted  
31           while threshold legal issues are resolved in the underlying D.C. Litigation in the *CREW* case.  
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33      2. The Court enters a 90-day stay with the accompanying requirement that the parties file a joint

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35 ALTERNATIVE, GRANTING DEFENDANTS' MOTION TO STAY  
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1 status report one week prior to the end of that 90-day period in which they update the Court  
2 on the status of the D.C. Litigation and state a joint position (or, if necessary, their respective  
3 positions) on whether a continued stay is necessary.

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6 Dated: \_\_\_\_\_  
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8 The Honorable Araceli Martínez-Olguín  
9 United States District Court Judge  
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